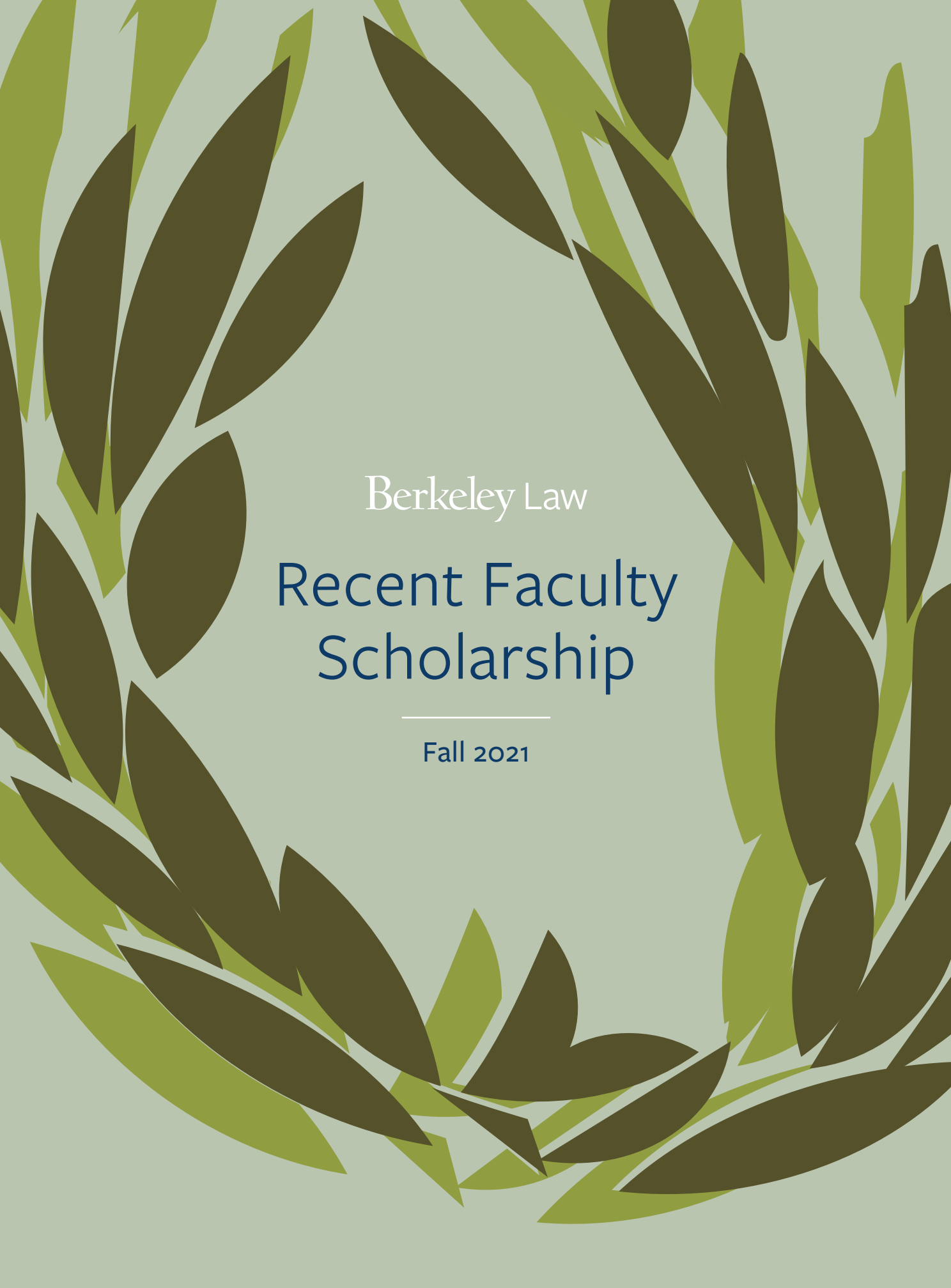


A stylized laurel wreath composed of dark olive green and light olive green leaves, arranged in a circular pattern around the central text.

Berkeley Law

Recent Faculty Scholarship

Fall 2021





Letter from Dean Erwin Chemerinsky

Legal scholarship matters.

Although it may take many different forms and reach a variety of audiences, writing by law professors influences the development of the law, educates students across the country, and advances knowledge about the legal system. As reflected in these pages, the Berkeley Law faculty is enormously prolific. The books and articles by my colleagues are in a wide array of fields and serve many purposes.

Lawyers and legislators and judges constantly use legal scholarship in dealing with the most difficult issues that face them. Sometimes legal scholarship is descriptive, illuminating problems and helping to inform decisions. Sometimes it is normative, evaluating the law. Sometimes it is prescriptive, suggesting a better path for the future.

Many of our faculty are authors of leading casebooks and treatises in a wide variety of areas of law. This is a way in which we teach students outside our own law school and even help to educate other professors and lawyers and judges about the law.

Legal scholarship can shape the direction of the law, but that is not the only measure of why law professors write. Universities exist to advance knowledge and understanding. Often, that is what legal scholarship is about: exploring ideas about law and the legal system. Some legal scholarship is the equivalent to basic science in the foundation that it provides for knowledge.

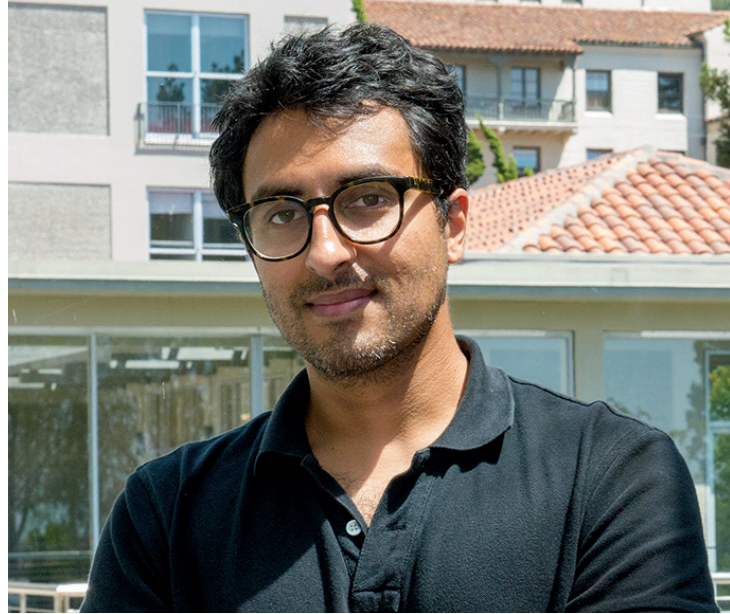
The Berkeley Law faculty produce all of these kinds of scholarship. Every measure shows them to be among the most frequently cited and the most respected in their fields. In fact, a recent study by professors at St. Thomas University College of Law found that Berkeley Law's faculty is the sixth most frequently cited of all law schools in the United States.

This brochure lists what our faculty members have written in the last year. I hope you will enjoy seeing this and hope that you read and benefit from their scholarship. I think you'll see why I am so proud to be dean of Berkeley Law.

Erwin Chemerinsky

Early Career Impact

Berkeley Law's stellar faculty includes eight assistant professors who are already making their mark — on legal academia, in policy debates, and beyond. Here's a snapshot of some of their work.



Abhay Aneja

Assistant Professor of Law

J.D., Stanford Law School (2018)

Ph.D., UC Berkeley (2019)

Aneja studies how legal institutions affect economic and social inequality. His interests include the law of democracy, criminal justice, and law and inequality. His work has appeared in the *American Law and Economics Review*, the *Journal of Empirical Legal Studies*, and *AEA Papers and Proceedings*.

In a recent working paper, Aneja and two co-authors shed light on a glaring racial gap in campaign contribution behavior. Analyzing the racial distribution of money in U.S. politics between 1980 and 2012, they show that contributions to state and federal candidates overwhelmingly come from non-Hispanic white donors. They document a disparity in campaign finance participation far greater than the racial divide in voting and officeholding. Improving racial representation in contributions by introducing public financing of campaigns, they argue, would yield “improved equality in the distribution of resources and power in electoral and political systems.”

Abbye Atkinson

Class of 1965 Assistant Professor of Law
J.D., Harvard Law School (2009)

Atkinson's research focuses on the law of debtors and creditors as it affects marginalized communities, and she teaches Contracts, Poverty Law, and a seminar on Debt, Discrimination, and Inequality. She has published or forthcoming work in the *Columbia Law Review*, the *Stanford Law Review*, the *Duke Law Journal*, and the *Texas Law Review Online*.

In March, Atkinson testified before the U.S. Senate Banking Committee about credit, debt, and the widening racial and gender gap. Her testimony drew on some of her recent and upcoming research, including how Congress has encouraged debt among socioeconomically marginalized groups and how that debt burden causes wealth to flow out of disadvantaged communities. She also published an essay in the *New York University Law Review* as part of the cross-journal Reckoning and Reformation symposium.



Rebecca Goldstein

Assistant Professor of Law
Ph.D., Harvard Graduate School of Arts and Sciences
(2019)

Goldstein's research lies at the intersection of racial and ethnic politics, bureaucratic politics, and the politics of criminal justice policy. In particular, she uses quantitative analysis of criminal justice policy to illuminate how different racial and ethnic groups interact with the state, how and when public policy represents public preferences, and how governments distribute scarce resources. Her work has appeared in the *American Journal of Political Science* and *Urban Affairs Review* and is forthcoming in the *Journal of Political Institutions and Political Economy* and the *Journal of Politics*.

She is currently collaborating on a large randomized trial to evaluate the effects of relief from legal financial obligations for misdemeanants in Oklahoma County. They find that relief does not affect new criminal charges, convictions, or jail bookings after 12 months, but collections contribute to a criminalization of low-income defendants.





Jonathan Gould

Assistant Professor of Law

J.D., Harvard Law School (2016)

Ph.D., Harvard University (2020)

Gould's research explores the relationship between politics and law, with special attention to Congress and the legislative process, using a variety of methods drawn from political theory, public law, and political science. His scholarship has been published or is forthcoming in the *Yale Law Journal*, the *Virginia Law Review*, the *New York University Law Review*, and beyond. His article "Law Within Congress" won the Association of American Law Schools' 2020 Scholarly Papers Prize for work by a faculty member in their first five years of law teaching.

A major theme of Gould's scholarship is the relationship between law and politics. A common thread in his work is that law can help structure a more effective, democratic, and just political process. In a recent academic article, for example, he and two co-authors proposed reforms to democratize the filibuster. And in another recent piece, Gould examined efforts to formally enact constitutional norms into law amid growing concern about America's democracy. "Law can certainly help strengthen constitutional norms," he writes. "But constitutional norms depend on more than just better laws. Better politics are required as well."

Tejas N. Narechania

Robert and Nanci Corson Assistant
Professor of Law

Faculty Co-Director, Berkeley Center
for Law & Technology

J.D., Columbia Law School (2011)

Narechania writes about and teaches courses on telecommunications regulation and intellectual property, among other subjects. His



research projects have appeared in the *Columbia Law Review*, the *Georgetown Law Journal*, the *Michigan Law Review*, and the *Stanford Law Review Online*, among other outlets. They have also been cited in the work of the Supreme Court and the federal Courts of Appeals, as well as in the *New York Times* and the *Washington Post*.

Earlier this year, a White House executive order aimed at promoting greater economic competition cited a forthcoming paper from Narechania showing customers served by monopoly providers — roughly 20% of the country — pay more for worse service than those in a competitive market. Narechania also lays out ideas for how to regulate monopoly carriers to protect consumers.

Manisha Padi

Assistant Professor of Law

J.D., Yale Law School (2017)

Ph.D., Massachusetts Institute of Technology (2017)

Padi studies the law and economics of consumer financial contracts, particularly how the legal treatment of individuals' granular transactions have an aggregate impact on consumer welfare, financial institutions, and the economy as a whole. Her work uses empirical methods to evaluate the role of regulation on consumers, with a broad focus on two areas: mortgage regulation and retirement policy.

Her working papers include projects on the effect of consumer protection law on



homeowners and mortgage lenders, the role of firm private information in the exercise of contract rights, the effect of fiduciary duty on the sale of annuities, and the role of Social Security design in implicitly regulating the annuity market. Last year, her work on fiduciary duty was cited by the New York Attorney General's office and the U.S. Second Circuit Court of Appeals in litigation against the U.S. Securities and Exchange Commission.

Asad Rahim

Assistant Professor of Law

J.D., Harvard Law School (2012)

Ph.D., UC Berkeley (2019)

Rahim writes in the areas of constitutional law, critical race theory, and employment discrimination. His research has been funded by the National Science Foundation and the American Bar Foundation and published in the *California Law Review*, the *UCLA Law Review*, and the *Annual Review of Law and Social Science*.

In a recent CLR article, Rahim scrutinizes the most influential framer of today's affirmative action debates: Justice Lewis Powell Jr. In the 1978 Supreme Court *Bakke* case, Powell wrote that pursuing a "robust exchange of ideas" on college campuses was affirmative action's only constitutionally sound justification. Rahim uncovers new archival documents that challenge the conventional understanding that Powell's opinion was fueled by a desire to promote racial equality, arguing that a fear of college student radicalization — by Communists and Black power activists — actually informed Powell's views.





Rebecca Wexler

Assistant Professor of Law

Faculty Co-Director, Berkeley Center for Law & Technology

M.Phil., Cambridge University (2006)

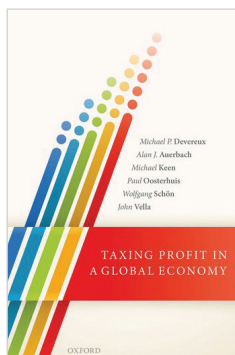
J.D., Yale Law School (2016)

Wexler teaches, researches, and writes on issues concerning data, technology, and criminal justice. Her work has focused on evidence law, criminal procedure, privacy, and intellectual property protections surrounding new data-driven criminal justice technologies.

She was one of two winners of the 2020 Reidenberg-Kerr Award, which honors exceptional privacy law papers by a pre-tenure scholar, for “Privacy as Privilege” (*Harvard Law Review*). It exposes how criminal defendants are barred from subpoenaing online communication content, even when it could exonerate them. Wexler has also pushed for policy changes to level the playing field, including advising U.S. Rep. Mark Takano on legislation and working with the Day One Project, a policy incubator, to foster a rebalancing of the asymmetry of access to electronic evidence and other sensitive information that’s often withheld from defendants based on privacy statutes.

Bookshelf

Berkeley Law faculty are prolific authors. Here's a sampling of their many recent or forthcoming books.

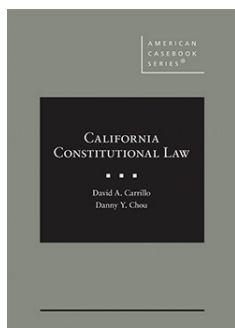


ALAN AUERBACH [CO-AUTHOR WITH MICHAEL DEVEREUX, MICHAEL KEEN, PAUL OOSTERHUIS, WOLFGANG SCHÖN, AND JOHN VELLA]

Taxing Profit in a Global Economy

OXFORD UNIVERSITY PRESS, 2020

This book addresses fundamental issues of principle and practice involving the taxation of business profit as well as the allocation of taxing rights over such profit among countries. It also considers more radical methods of taxing rights — including those based on residence, destination, and formula apportionment — and evaluates potential reforms, particularly whether they are justifiable on a clear conceptual basis.

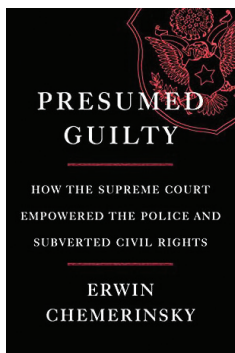


DAVID A. CARRILLO [CO-AUTHOR WITH DANNY Y. CHOU]

California Constitutional Law

WEST ACADEMIC, 2021

The first casebook dedicated to California constitutional law, this book introduces the history of the California Constitution and its relationship to the federal and other state constitutions, then covers the California constitutional provisions that establish the design and structure of California's state and local governments, protect individual rights, and govern other areas like elections, public finance, and water rights.

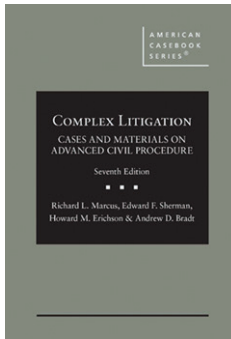


ERWIN CHEMERINSKY

Presumed Guilty: How the Supreme Court Empowered the Police and Subverted Civil Rights

W. W. NORTON, 2021

Police are nine times more likely to kill African-American men than they are other Americans. In this book, Erwin Chemerinsky argues this is no accident, but rather the horrific result of an elaborate body of doctrines that allow the police and, crucially, the courts to presume that suspects — especially people of color — are guilty before being charged.



ANDREW BRADT [CO-AUTHOR WITH RICHARD L. MARCUS, EDWARD F. SHERMAN, AND HOWARD M. ERICHSON]

Complex Litigation: Cases and Materials on Advanced Civil Procedure, 7th Edition

WEST ACADEMIC, 2021

A staple of complex litigation courses since 1985, this edition introduces a new co-author, Andrew Bradt, to the book's familiar broad coverage and basic format while adding coverage of important recent developments. In particular, the new edition has a full chapter devoted to Multidistrict Litigation, and new cases interpreting the 2018 Rule 23 amendments.

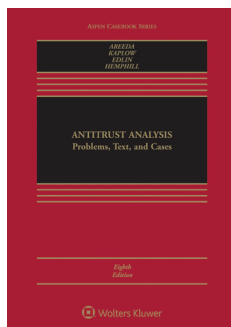


HOLLY DOREMUS [CO-EDITOR WITH JORDAN DIAMOND]

Common Currents: Governing the Ocean Commons

BRILL, FORTHCOMING 2021

The oceans are both a global commons and a collection of individuated resources controlled by coastal nations. The lines between common and individuated resources are fuzzy, both geographically and in the sense that ocean resource management regimes often include elements of both. The contributions in this volume originate from a conference organized by the Law of the Sea Institute at Berkeley Law and the Korean Institute of Ocean Science and Technology. They explore the extent, limits, consequences, and future of the global ocean commons.

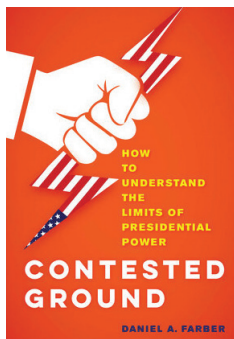


AARON EDLIN [CO-AUTHOR WITH PHILLIP AREEDA, LOUIS KAPLOW, AND SCOTT HEMPHILL]

Antitrust Analysis: Problems, Text, and Cases, 8th Edition

WOLTERS KLUWER, 2021

First written by Phillip Areeda, the leading antitrust commentator of the 20th century, this text continues to be revised by three of the leading lawyer economists of the early 21st century. The authors take great care to convey economic learning to students in plain language with a minimum of technical apparatus.

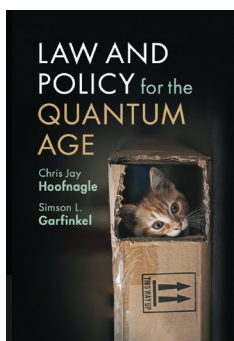


DANIEL FARBER

Contested Ground: How to Understand the Limits of Presidential Power

UC PRESS, FORTHCOMING 2021

The same rules must apply to all presidents: those whose abuses of power we fear, as well as those whose exercises of power we applaud. In this brief but wide-ranging guide to the presidency, constitutional law expert Daniel Farber charts the limits of presidential power, from the fierce arguments among the Framers to those raging today.

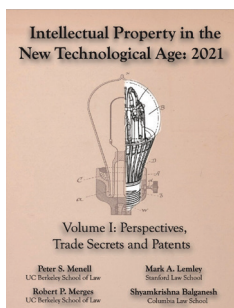


CHRIS JAY HOOFNAGLE [CO-AUTHOR WITH SIMSON L. GARFINKEL]

Law and Policy for the Quantum Age

CAMBRIDGE UNIVERSITY PRESS, FORTHCOMING 2021

Quantum technologies are expected to “change the world,” but what will they actually mean for countries and their citizens? The authors unpack the genesis of quantum information science, and the exciting resulting technologies such as quantum sensing, computing, and communication. This groundbreaking book explains how these technologies work, how countries will likely use them for future national defense, how companies may or may not profit from them, and why we should begin planning for their profound consequences.

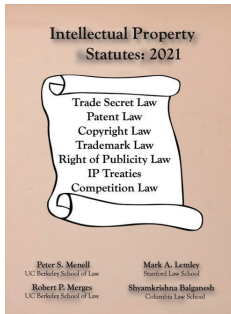


PETER S. MENELL [CO-AUTHOR WITH MARK A. LEMLEY, ROBERT MERGES, AND SHYAMKRISHNA BALGANESH]

Intellectual Property in the New Technological Age: 2021 Volume I – Perspectives, Trade Secrets, and Patents and Volume II – Copyrights, Trademarks, and State IP Protections

CLAUSE 8 PUBLISHING, 2021

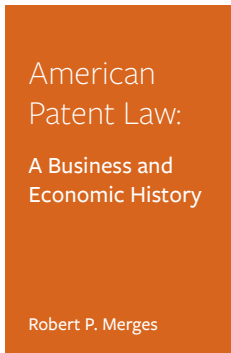
Offering an in-depth study of the fast-moving evolution of intellectual property law, *Intellectual Property in the New Technological Age* consists of two volumes meant to be used together in a fundamentals course. Volume I covers philosophical perspectives, trade secret law, and patent law; Volume II covers copyright law, trademark law, and state intellectual property law protections. As professors and practitioners in this field know all too well, Congress and the courts continue to develop intellectual property law and jurisprudence at a rapid pace, so these editions are significantly augmented and revised.



Intellectual Property Statutes: 2021

CLAUSE 8 PUBLISHING, 2021

This just-updated version covers the principal U.S. property statutes and treaties. It's ideally used in conjunction with traditional casebooks as well as for IP practitioners and covers everything from copyright to trade secrets.

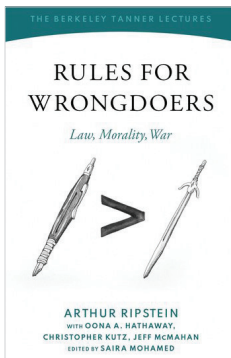


ROBERT P. MERGES

American Patent Law: A Business and Economic History

CAMBRIDGE UNIVERSITY PRESS, 2021

This book is a comprehensive history of the U.S. patent system from 1790, with an emphasis on how patents have been used by private enterprise for the pursuit of business goals. It highlights how Congress and the courts have adapted patent rules to support socially beneficial business practices, and tried (at times successfully) to modify those rules to re-channel investment and effort away from socially harmful practices, such as extortionate litigation.

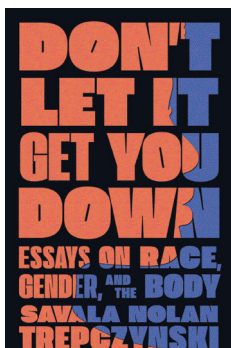


SAIRA MOHAMED [EDITOR]

Rules for Wrongdoers: Law, Morality, War by Arthur Ripstein

OXFORD UNIVERSITY PRESS, 2021

This volume collects lectures given by Ripstein, a professor at the University of Toronto, at Berkeley in 2019. Arguing that the central wrong of war is that war is the condition which force decides, Ripstein contends that the rules governing the conduct of hostilities must apply equally to aggressor and defender in an armed conflict. Mohamed wrote the introduction, and the book also features commentaries, including by Berkeley Law Professor Christopher Kutz, and a reply by Ripstein.

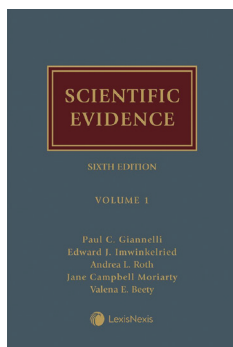


SAVALA NOLAN

Don't Let It Get You Down: Essays on Race, Gender, and the Body

SIMON & SCHUSTER, 2021

In this essay collection, Nolan fixes a keen and critical eye on some of the most complex issues of our time, processed through the lens of her own experiences. From her body to her family — past and present — to the perception-shaping forces of pop culture, Nolan's observations feel deeply personal and broadly applicable at the same time as she mines the intersections of race, class, and gender.



ANDREA L. ROTH [CO-AUTHOR WITH JANE MORIARTY, EDWARD IMWINKELRIED, AND VALENA BEETY]

Scientific Evidence, 6th Edition

LEXISNEXIS, 2020

This new update of a pathbreaking casebook is organized and written clearly to help prosecutors, defense attorneys, civil litigators, and judges keep abreast of scientific techniques to demonstrate or disprove a connection between forensic evidence and an individual. It covers rules and precedents, then analyzes the most frequently encountered scientific evidence and the latest developments in scientific evidence.

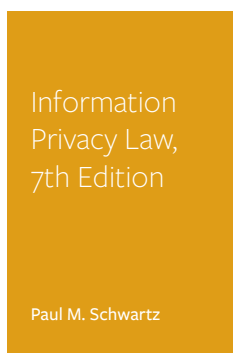


PAUL M. SCHWARTZ [CO-AUTHOR WITH DAN SOLOVE]

ALI Principles of the Law, Data Privacy

AMERICAN LAW INSTITUTE, 2020

Information privacy is more important than ever, with new concerns about digital data collection emerging almost daily. A significant debate is raging at the state and federal levels about the need for comprehensive data privacy laws. This volume lays out a framework for regulating data privacy, spells out best practices for entities that process personal data, and offers helpful guidance to legislators, judges, and policymakers.



PAUL M. SCHWARTZ [CO-AUTHOR WITH DAN SOLOVE]

Information Privacy Law, 7th Edition

WOLTERS KLUWERS, 2021

A clear, comprehensive, and cutting-edge introduction to the field of information privacy law, *Information Privacy Law* contains the latest cases and materials exploring issues of emerging technology and information privacy, and the extensive background information and authorial guidance provide clear and concise introductions to various areas of law.

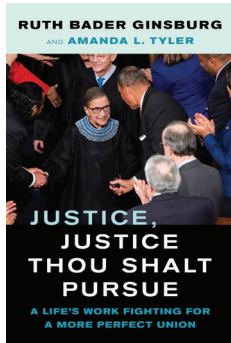


JEFFREY SELBIN [CO-AUTHOR WITH JULIET BRODIE, CLARE PASTORE, AND EZRA ROSSER]

Poverty Law, Policy and Practice, 2nd Edition

WOLTERS KLUWER, 2021

When the first edition was published in 2014, it was the first poverty law textbook to be published in 15 years. With updated literature from multiple viewpoints, the new edition provides an overview of the field, including cases, data, and major government programs that map onto important theoretical, doctrinal, policy, and practice questions.

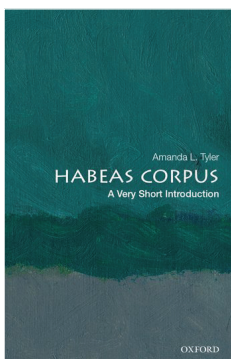


AMANDA L. TYLER [CO-AUTHOR WITH RUTH BADER GINSBURG]

Justice, Justice Thou Shalt Pursue: A Life's Work Fighting for a More Perfect Union

UC PRESS, 2021

This book includes the lecture the late U.S. Supreme Court Justice Ruth Bader Ginsburg gave at Berkeley Law in fall 2019, as well as her Q&A with Tyler, a former Ginsburg clerk. It also collects some of Ginsburg's most famous and influential legal work, featuring several of her famously biting dissents. Tyler put finishing touches on the book after Ginsburg's death.

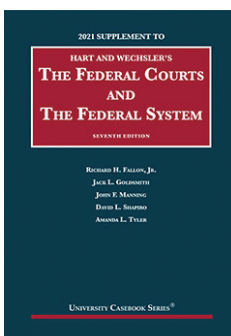


AMANDA L. TYLER

Habeas Corpus: A Very Short Introduction

OXFORD UNIVERSITY PRESS, 2021

Written in clear prose for a general audience, this book offers a concise history of habeas corpus in western law. Tyler discusses ongoing debates surrounding the grant and suspension of habeas corpus and explores major historical episodes such as World War II internment and the War on Terror.

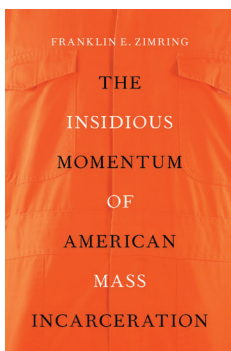


AMANDA L. TYLER [CO-AUTHOR WITH RICHARD H. FALLON JR., JACK L. GOLDSMITH, JOHN F. MANNING, AND DAVID L. SHAPIRO]

2021 Supplement to Hart & Wechsler's Federal Courts and the Federal System, 7th Edition

FOUNDATION PRESS, 2021

This supplement makes the casebook, which last had a full update in 2015, current to recent developments in the law.



FRANKLIN ZIMRING

The Insidious Momentum of American Mass Incarceration

OXFORD UNIVERSITY PRESS, 2020

This book challenges the conventional ways we consider the issue of mass incarceration in the United States and how we can combat the rising numbers, arguing that the most powerful enemy to reducing excess incarceration is simply the mundane features of state and local government, such as elections of prosecutors and state support for prison budgets. Zimring seeks a comprehensive understanding of when, how, and why the United States became the world leader in incarceration to further determine how the use of confinement can realistically be reduced.

Faculty Scholarship



CATHERINE ALBISTON

Jackson H. Ralston Professor of Law | Professor of Sociology
Faculty Director, Center for the Study of Law and Society

B.A., Stanford University (1987)

M.A., Stanford University (1989)

J.D., UC Berkeley School of Law (1993)

Ph.D., UC Berkeley (2001)

[What's So New About the #MeToo Movement?](#)

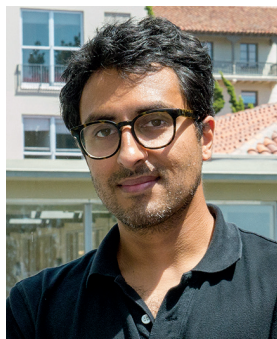
Albiston, Catherine, in Trumpism and its Discontents (Obasogie, Osagie K. ed., 2020)

[Making Public Interest Lawyers in a Time of Crisis: An Evidence Based Approach](#)

Albiston, Catherine; Cummings, Scott L.; Abel, Richard, 34 Geo. J. Legal Ethics (2021) Forthcoming

[Precarious Work and Precarious Welfare: How the Pandemic Reveals Fundamental Flaws of the U.S. Social Safety Net](#)

Albiston, Catherine; Fisk Catherine, 42 Berkeley J. Emp. & Lab. L. (2021) Forthcoming



ABHAY ANEJA

Assistant Professor of Law

B.S. Wake Forest University, (2006)

J.D., Stanford Law School (2018)

Ph.D., UC Berkeley (2019)

[Consumption Tax Reform and the Real Economy: Evidence from India's Adoption of a Value-Added Tax](#)

Aneja, Abhay; Ritadhi, S.K.; Kulkarni, Nirupama, J. Empir. Leg. Stud. 18:3 (2021) Forthcoming



TY ALPER

Clinical Professor of Law
Co-Director, Death Penalty Clinic

B.A., Brown University (1995)
J.D., New York University School of Law (1998)
LL.M., Georgetown University (2004)

Third-Party Sexual Harassment: The Challenge of Title IX Obligations for Law School Clinics

Alper, Ty, 96 Wash. L. Rev. 1 (2021)



ABBYE ATKINSON

Class of 1965 Assistant Professor of Law

B.A., UC Berkeley (1997)
J.D., Harvard Law School (2009)

Philando Castile, Police Violence, and School Meal Debt: A Meditation

Atkinson, Abbye, 96 N.Y.U. L. Rev. Online (2021)

Borrowing Equality

Atkinson, Abbye, 120 Colum. L. Rev. 1403 (2020)

Commodifying Marginalization

Atkinson, Abbye, 71 Duke L.J. (2022) Forthcoming



ALAN J. AUERBACH

Robert D. Burch Professor of Law and Economics
Director, Robert D. Burch Center for Tax Policy and Public Finance

B.A., Yale University (1974)
Ph.D., Harvard University (1978)

Fiscal Effects of COVID-19

Auerbach, Alan J.; Gale, William; Lutz, Byron; Sheiner, Louise, Brookings Papers on Economic Activity (2020)

Taxing Profit in a Global Economy

Auerbach, Alan J.; Devereux, Michael; Keen, Michael; Oosterhuis, Paul; Schön, Wolfgang; Vella, John (2021)

Did the 2017 Tax Reform Discriminate Against Blue State Voters?

Auerbach, Alan J.; Altig, David; Higgins, Patrick; Koehler, Darryl; Kotlikoff, Laurence; Terry, Ellyn; Ye, Victor, Nat'l Tax J. (2020)



KENNETH AYOTTE

Robert L. Bridges Professor of Law

B.A., University of Virginia (1997)
Ph.D., Princeton University (2002)

Bankruptcy Process for Sale

Ayotte, Kenneth; Elias, Jared, Yale J. on Reg. (2021) Forthcoming



KENNETH A. BAMBERGER

The Rosalinde and Arthur Gilbert Foundation Professor of Law
Faculty Co-Director, Berkeley Center for Law & Technology
Faculty Director, Helen Diller Institute for Jewish Law and Israel Studies

B.A., Harvard University (1990)

Henry Fellow, Cambridge University (1991)

J.D., Harvard Law School (1998)

Verification Dilemmas, Law, and the Promise of Zero-Knowledge Proofs

Bamberger, Kenneth A.; Canetti, Ran; Goldwasser, Shafi; Wexler, Rebecca; Zimmerman, Evan Joseph, Berkeley Tech. L.J. (2022) Forthcoming

Lex Algorithmica: Humans and Systems in Content Governance

Bamberger, Kenneth A., Mulligan, Deirdre K., Berkeley Tech. L.J. (2021)

The Price is (Not) Right: Comparing Privacy in Free and Paid Apps

Bamberger, Kenneth A.; Han, Catherine; Reyes, Irwin; Feal, Álvaro; Reardon, Joel; Wijesekera, Primal; Vallina-Rodriguez, Narseo; Elazari, Amit; Egelman, Serge, 2020 Proc. Privacy Enhancing Tech. 222 (2020)



ROBERT BARTLETT

I. Michael Heyman Professor of Law

Faculty Director, Berkeley Center for Law and Business

B.A., Harvard University (1996)

J.D., Harvard Law School (2000)

Algorithmic Discrimination and Input Accountability Under the Civil Rights Acts

Bartlett, Robert; Morse, Adair; Stanton, Richard; Wallace, Nancy, Berkeley Tech. L.J. Forthcoming

Consumer Lending Discrimination in the Era of FinTech

Bartlett, Robert; Morse, Adair; Stanton, Richard; Wallace, Nancy, Journal of Financial Economics Forthcoming

Small Business Survival Capabilities and Fiscal Programs: Evidence From Oakland

Bartlett, Robert; Morse, Adair, Journal of Financial and Quantitative Analysis Forthcoming

Modernizing Odd Lot Trading

Bartlett, Robert, Colum. Bus. L. Rev. Forthcoming



ERIC BIBER

Edward C. Halbach Jr. Professor of Law

A.B., Harvard College (1995)

J.D., Yale Law School (2001)

M.S., Yale School of Forestry & Environmental Studies (2001)

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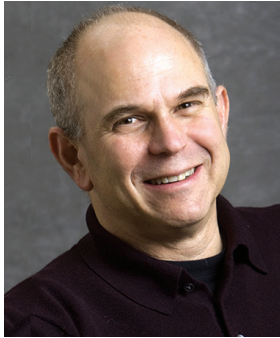
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B.A., Yale University (2000)

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B.A., UC Santa Barbara (1980)
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B.A., Smith College (1988)
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B.A., New York University (2003)

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B.A., University Without Walls (Berkeley) (1972)

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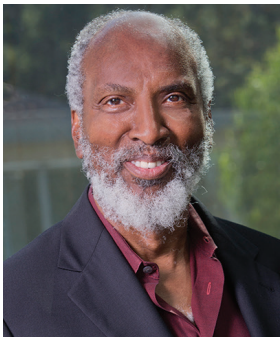
Professor of Law and History

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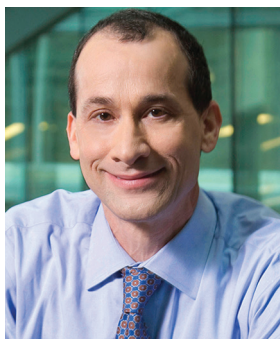
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B.A., Harvard University (1996)

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A.B., Princeton University (1999)

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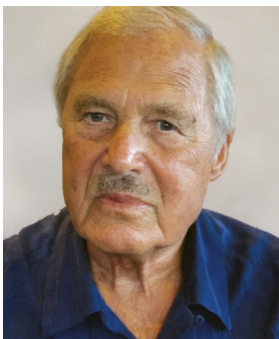
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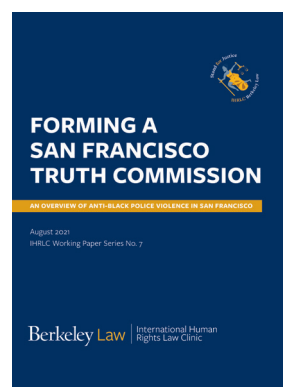
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INTERNATIONAL HUMAN RIGHTS LAW CLINIC

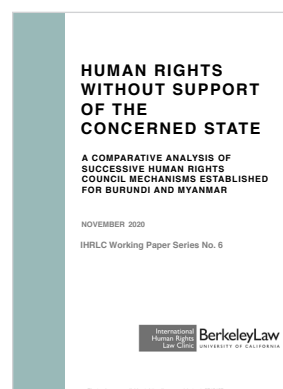
Forming a San Francisco Truth Commission: An Overview of Anti-Black Police Violence in San Francisco

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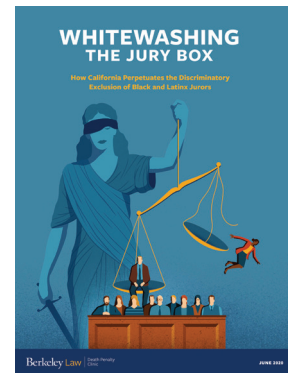
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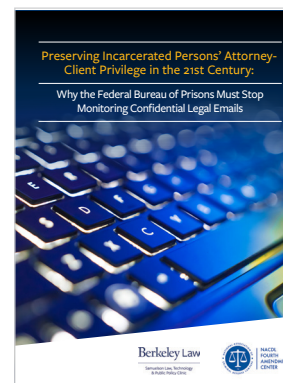
Semel, Elisabeth; Downard, Dagen; Tolman, Emma; Weis, Anne; Craig, Danielle; Hanlock, Chelsea (2020)



SAMUELSON LAW, TECHNOLOGY & PUBLIC POLICY CLINIC

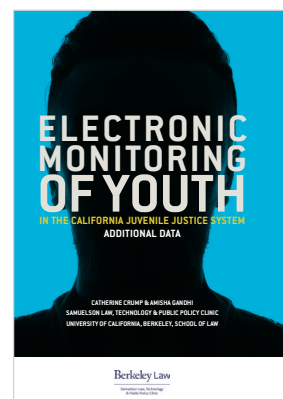
Preserving Incarcerated Persons' Attorney-Client Privilege in the 21st Century: Why the Federal Bureau of Prisons Must Stop Monitoring Confidential Legal Emails

Samuelson Law, Technology & Public Policy Clinic; National Association of Criminal Defense Lawyers (2020)



Electronic Monitoring of Youth in the California Juvenile Justice System: Additional Data

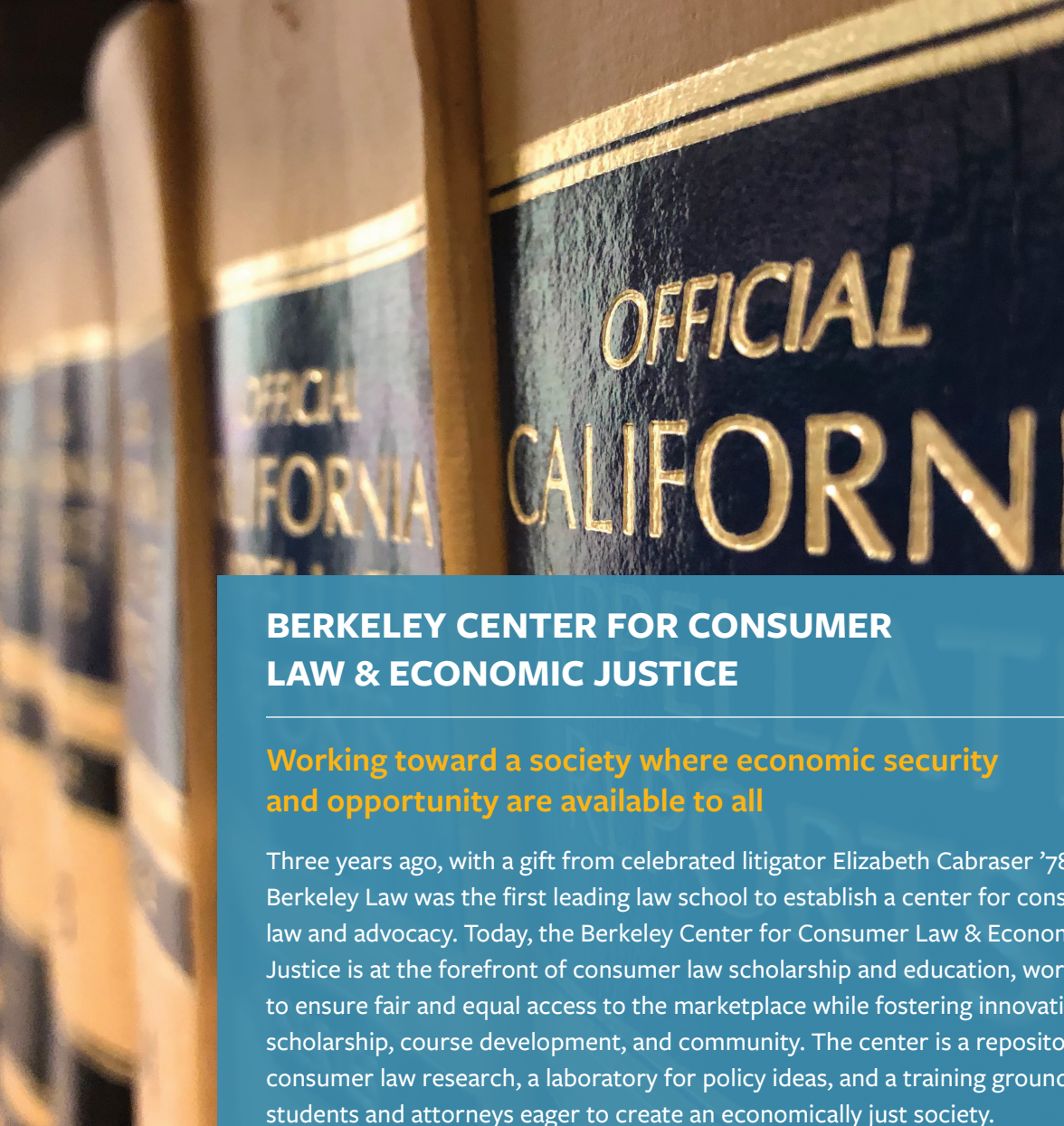
Crump, Catherine; Gandhi, Amisha; Samuelson Law, Technology & Public Policy Clinic (2020)



Excellence, Applied

Berkeley Law is home to more than two dozen research centers and institutes, all hubs for extending the school's scholarly brilliance beyond its walls. Here are some of the ways these intellectual powerhouses are influencing policy, blazing trails, and fostering creative solutions.





BERKELEY CENTER FOR CONSUMER LAW & ECONOMIC JUSTICE

**Working toward a society where economic security
and opportunity are available to all**

Three years ago, with a gift from celebrated litigator Elizabeth Cabraser '78, Berkeley Law was the first leading law school to establish a center for consumer law and advocacy. Today, the Berkeley Center for Consumer Law & Economic Justice is at the forefront of consumer law scholarship and education, working to ensure fair and equal access to the marketplace while fostering innovative scholarship, course development, and community. The center is a repository for consumer law research, a laboratory for policy ideas, and a training ground for law students and attorneys eager to create an economically just society.

HIGHLIGHTS

Published Justice Project

The Center is helping guide the development of consumer law by seeking publication of important opinions of the California Courts of Appeal. The courts granted eight of our 11 requests this year — creating over 150 pages of new, precedential law.

Planting seeds nationwide

The center's Consumer Law Advocates, Scholars and Students (CLASS) Network is spreading Berkeley Law's advocacy and economic justice paradigm to other law schools around the nation.



BERKELEY CENTER FOR LAW AND BUSINESS

Business is at a crossroads. Berkeley Law provides direction

The Berkeley Center for Law and Business is a bridge linking academia, government, civil society, and boardrooms — helping decision-makers spearhead progress that advances our whole society. We are the leading venue for conversations and executive education about corporate governance, equity and inclusion, financial fraud, mergers and acquisitions, venture capital, startups, and important business policy issues. We move global business forward with our unparalleled convening power, interdisciplinary faculty, and practical scholarship. Our initiatives address the impacts of #MeToo, racial injustice, COVID-19, and more.

HIGHLIGHTS

Navigating the pandemic economy

We trained 160+ law students on the intricacies of the U.S. CARES Act and helped more than 300 struggling small businesses, from 25 states, navigate applications for federal stimulus funds. We launched a small business resource website and were founding members of the California Small Enterprise Task Force.

Stellar scholarship

Articles by center faculty co-directors Professors Frank Partnoy, Robert Bartlett, and Steven Davidoff Solomon, and Senior Fellow Matthew Cain, were elected to *Corporate Practice Commentator's* 27th annual Top 10 Papers list. Berkeley Law Business in Society Institute Director Amelia Miazad co-authored the most recent report from the Enacting Purpose Initiative, which relies on insights from over 60 directors and investors and maps out how boards can leverage purpose to address social issues and create long-term sustainable value.



BERKELEY CENTER FOR LAW & TECHNOLOGY

Where law meets innovation

Since 1995, the Berkeley Center for Law & Technology has been Berkeley Law's hub for teaching, research, community engagement, and student activities at the intersection of law and technology. The first of its kind and a perpetual leader, the center deftly confronts and often anticipates the next wave of legal and policy challenges, then analyzes solutions. Our path has been molded by 18 full-time, tech-focused faculty and 35 expert practitioner-instructors, and our success resonates throughout industry and academia: Berkeley Law has been ranked No. 1 for intellectual property law among U.S. law schools by *U.S. News & World Report* for the past 18 years.

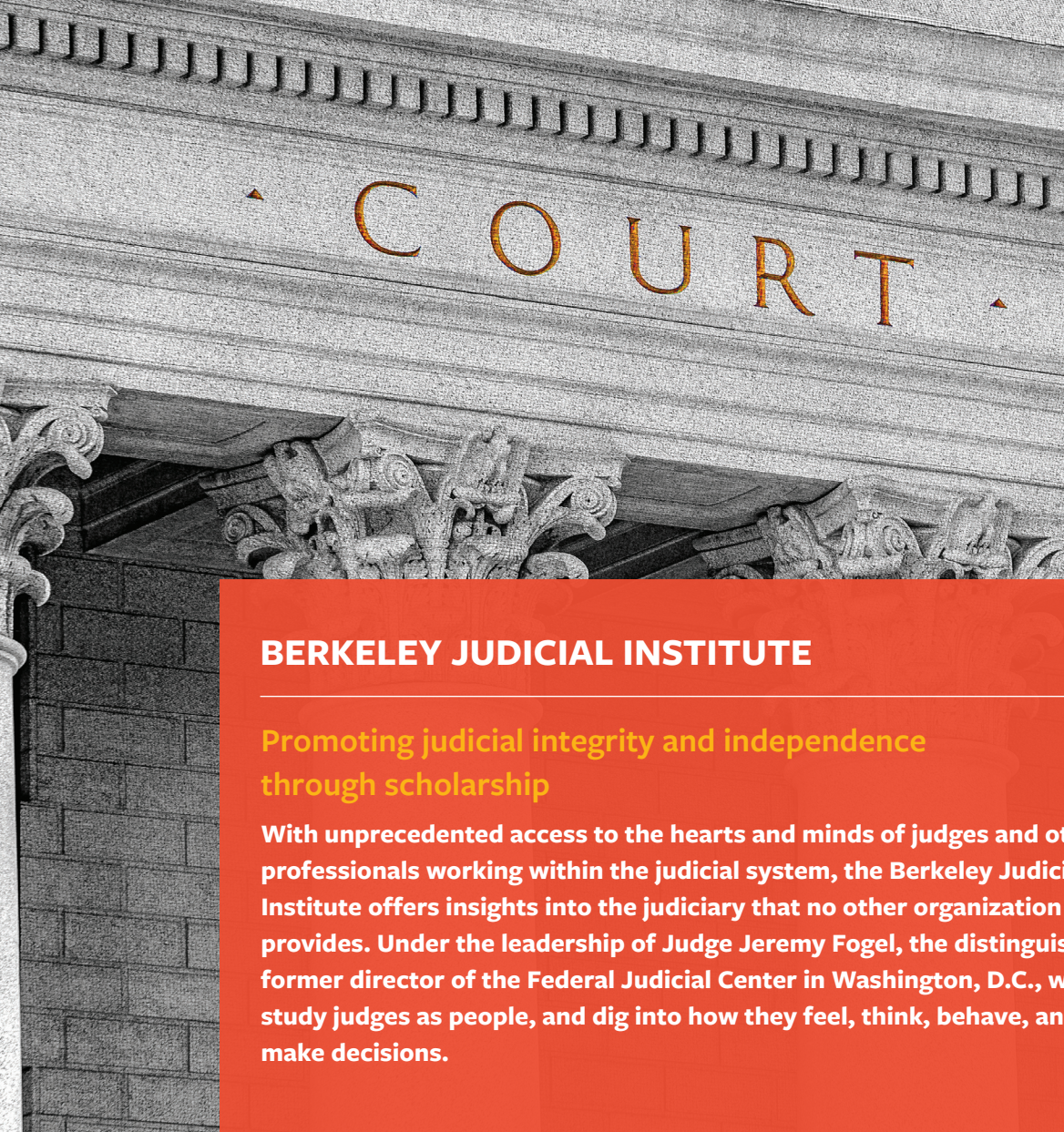
HIGHLIGHTS

New area of focus

We're launching a major new life sciences and health tech initiative this year to supplement our traditional five pillars of patents, copyrights, and trade regulation; privacy and cyber; technology and societal impact; entertainment and new media; and information technology.

New platform

Wayne Stacy recently joined the center as executive director, and created the new "BCLT's Expert Series" podcast, where he chats with top law and tech mavens about current cases and recent rulings on antitrust, cybersecurity and privacy, product development, brand protection, and more.



BERKELEY JUDICIAL INSTITUTE

Promoting judicial integrity and independence through scholarship

With unprecedented access to the hearts and minds of judges and other professionals working within the judicial system, the Berkeley Judicial Institute offers insights into the judiciary that no other organization provides. Under the leadership of Judge Jeremy Fogel, the distinguished former director of the Federal Judicial Center in Washington, D.C., we study judges as people, and dig into how they feel, think, behave, and make decisions.

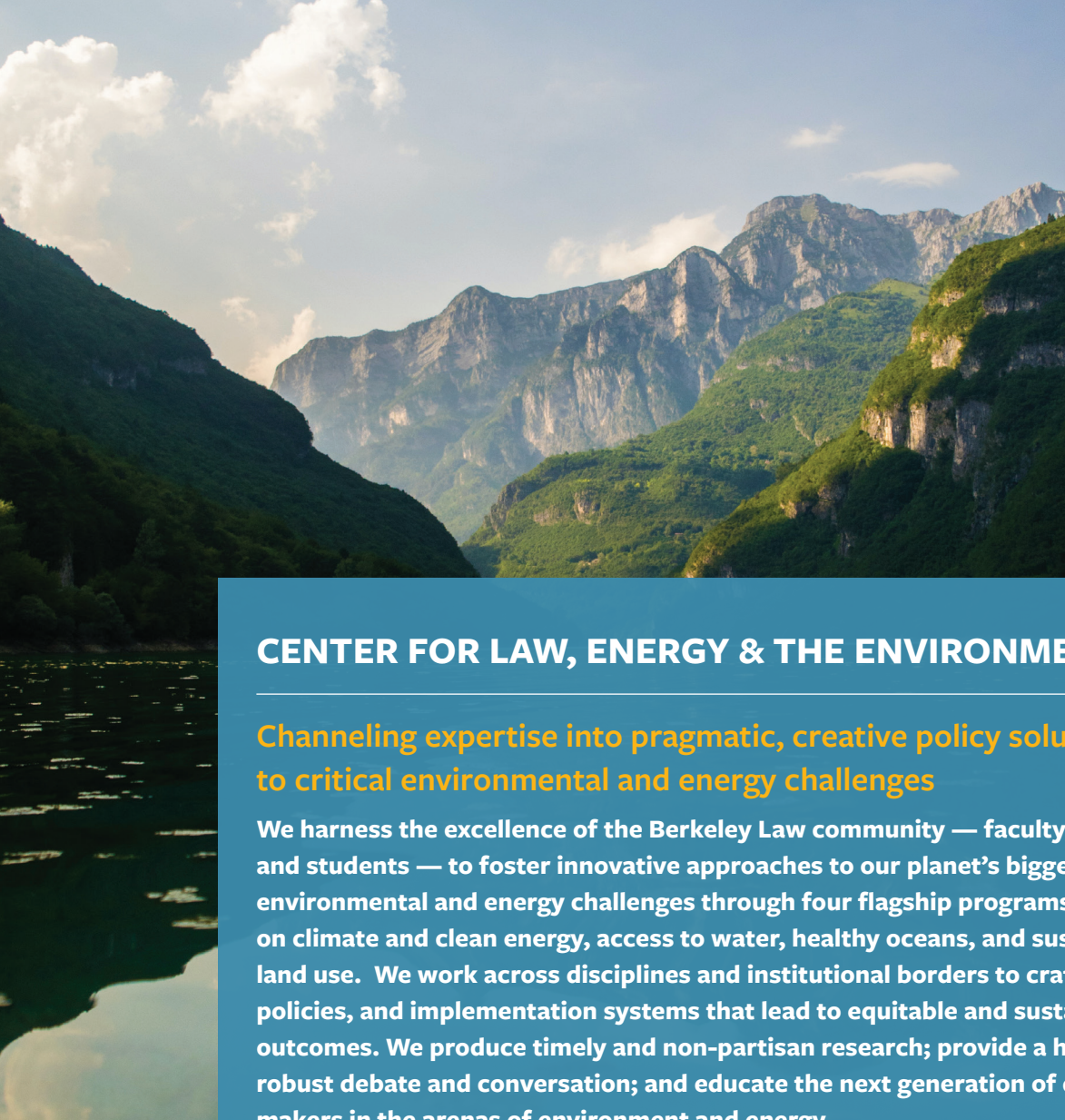
HIGHLIGHTS

Advancing law clerk diversity

Why, despite good faith efforts, is there so much homogeneity in law clerk hiring in the federal courts, particularly at the appellate level? The results of our major research study come out early next year.

Fostering emotionally intelligent behavior

With UC Berkeley's Greater Good Science Center and other experts, we build educational resources to help judges expand their self-awareness and emotional self-management.



CENTER FOR LAW, ENERGY & THE ENVIRONMENT

Channeling expertise into pragmatic, creative policy solutions to critical environmental and energy challenges

We harness the excellence of the Berkeley Law community — faculty, staff, and students — to foster innovative approaches to our planet’s biggest environmental and energy challenges through four flagship programs focused on climate and clean energy, access to water, healthy oceans, and sustainable land use. We work across disciplines and institutional borders to craft laws, policies, and implementation systems that lead to equitable and sustainable outcomes. We produce timely and non-partisan research; provide a home for robust debate and conversation; and educate the next generation of decision makers in the arenas of environment and energy.

HIGHLIGHTS

EV supply chain

In Sustainable Drive, Sustainable Supply, we identify a set of barriers to the achievement of sustainable EV battery supply chains from governance, human rights, and environmental perspectives, to help drive the transition to a truly sustainable transportation sector.

California-China Climate Institute

Led by former California Gov. Jerry Brown in partnership with China’s Special Advisor for Climate Change Affairs Xie Zhenhua, the institute stimulates international collaboration on groundbreaking research initiatives, convenes transpacific leaders, and initiates training sessions for business leaders.

CENTER FOR THE STUDY OF LAW AND SOCIETY

The world's premier law and society research center

Founded in 1961 as the first university-based center for socio-legal research, today the center is the global home for the multidisciplinary empirical study of law and society. Within our three areas of focus — Criminal Justice, Inequality, and Democracy and Civil Society — we run a weekly speaker series of preeminent scholars, provide fellowships and training to graduate students from across the Berkeley campus, and host visiting scholars from around the world.

HIGHLIGHTS

A transformative gift

Dr. Frances Coles, a 1974 graduate of UC Berkeley's criminology program and the first chair of the criminal justice department at Cal State-San Bernardino, has provided not only an initial endowment that enables us to plan our future but also a fellowship and research gift for direct support to graduate students.

Fostering a rich intellectual environment

We have a faculty of award-winning affiliated scholars in a wide range of social science disciplines, complemented by an international array of visiting socio-legal scholars.



HUMAN RIGHTS CENTER

Pursuing justice through science and law

For 27 years, we've used evidence-based methods and innovative technologies to conduct research and investigations on war crimes and other violations of humanitarian law and human rights. We train students and advocates in pioneering digital methods for finding and verifying facts. Our faculty, staff, and students collaborate with human rights organizations, international bodies, legal organizations, and the media on five continents to improve 21st century research to hold perpetrators accountable and defend vulnerable populations. We have taught, trained, and provided fellowships to thousands of graduate and undergraduate students who now hold leadership positions within universities, NGOs, media, and advocacy groups worldwide.

HIGHLIGHTS

[The Berkeley Protocol on Digital Open Source Investigations](#)

This international protocol, developed in partnership with the Office of the U.N. High Commissioner for Human Rights, offers the first global guidelines for identifying, collecting, preserving, verifying, analyzing, and using social media and other online content as evidence in criminal and human rights investigations.

[Pioneering detective work](#)

Our open source Investigations Lab is the first university-based initiative to provide verified information on human rights violations and potential war crimes to NGOs, the media, and legal partners worldwide. Our lab is now being replicated globally.



Illustration by Ariel Sinha

THELTON E. HENDERSON CENTER FOR SOCIAL JUSTICE

**Training lawyers to serve the least visible and least powerful,
with passion and expertise**

We connect students, professors, lawyers, activists, and thinkers across and beyond campus to make relevant, vibrant conversations about law, power, equity, subordination, and privilege part of intellectual and social life at Berkeley Law. Established in response to California’s Proposition 209 and named for the pathbreaking jurist and alumnus, we’re proud to be the home of the school’s active, diverse, and ever-growing social justice community, focused on building students’ capacity to be effective social justice advocates for the long haul. We welcome anyone who believes advancing social justice is an integral part of the legal profession.

HIGHLIGHTS

Supporting students

Our Henderson Center Scholars are 1Ls who receive scholarship funds as well as special mentorship opportunities. The Thelton E. Henderson Racial Justice Fellowship supports summer work for students who are engaged in racial justice work during law school.

Race and Law Certificate

Through courses, clinical work, and pro bono opportunities, we give students the support and resources to study race and racism effectively and to recognize graduating students who are uniquely qualified to solve our most pressing racial injustice challenges.

BERKELEY CENTER ON COMPARATIVE EQUALITY & ANTI-DISCRIMINATION LAW

The umbrella under which some 800 academics, advocates, and activists from six continents address global discrimination and inequality, our work has in large part defined the study of comparative equality and made the field an internationally recognized discipline.

ROBERT D. BURCH CENTER FOR TAX POLICY & PUBLIC FINANCE

Housed in UC Berkeley's Department of Economics and the law school, this center promotes research in tax policy and public finance for the academic and tax policy communities and stimulates informed discussion of tax policies of national significance.

CALIFORNIA CONSTITUTION CENTER

The first and only center at any law school devoted exclusively to studying the constitution and high court of the state of California, the center offers critical guidance on difficult policy issues, from navigating the pandemic to this fall's gubernatorial recall election.

CENTER FOR LAW AND WORK

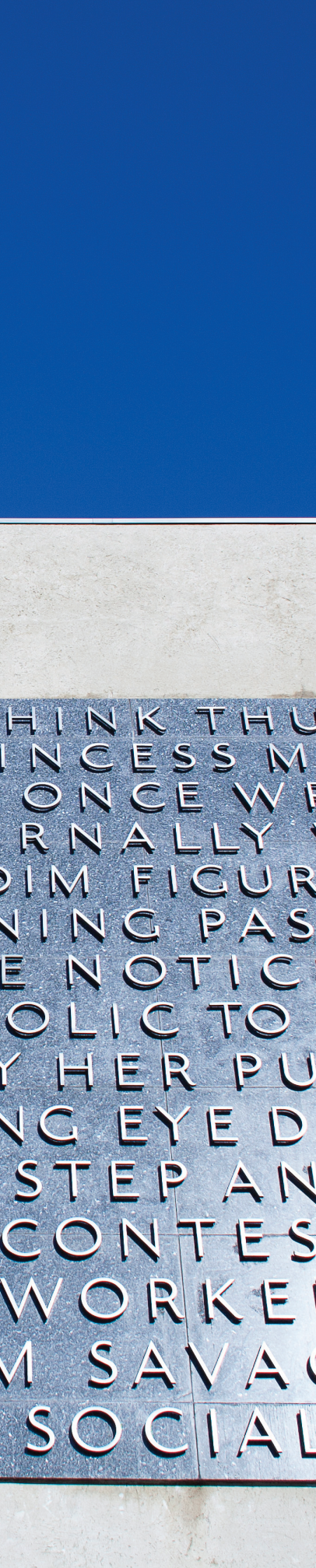
Newly launched to meet urgent workers' rights issues head on, this center brings together the many expert and scholarly resources in labor and employment at the law school and on the UC Berkeley campus.

CENTER ON RACE, SEXUALITY & CULTURE

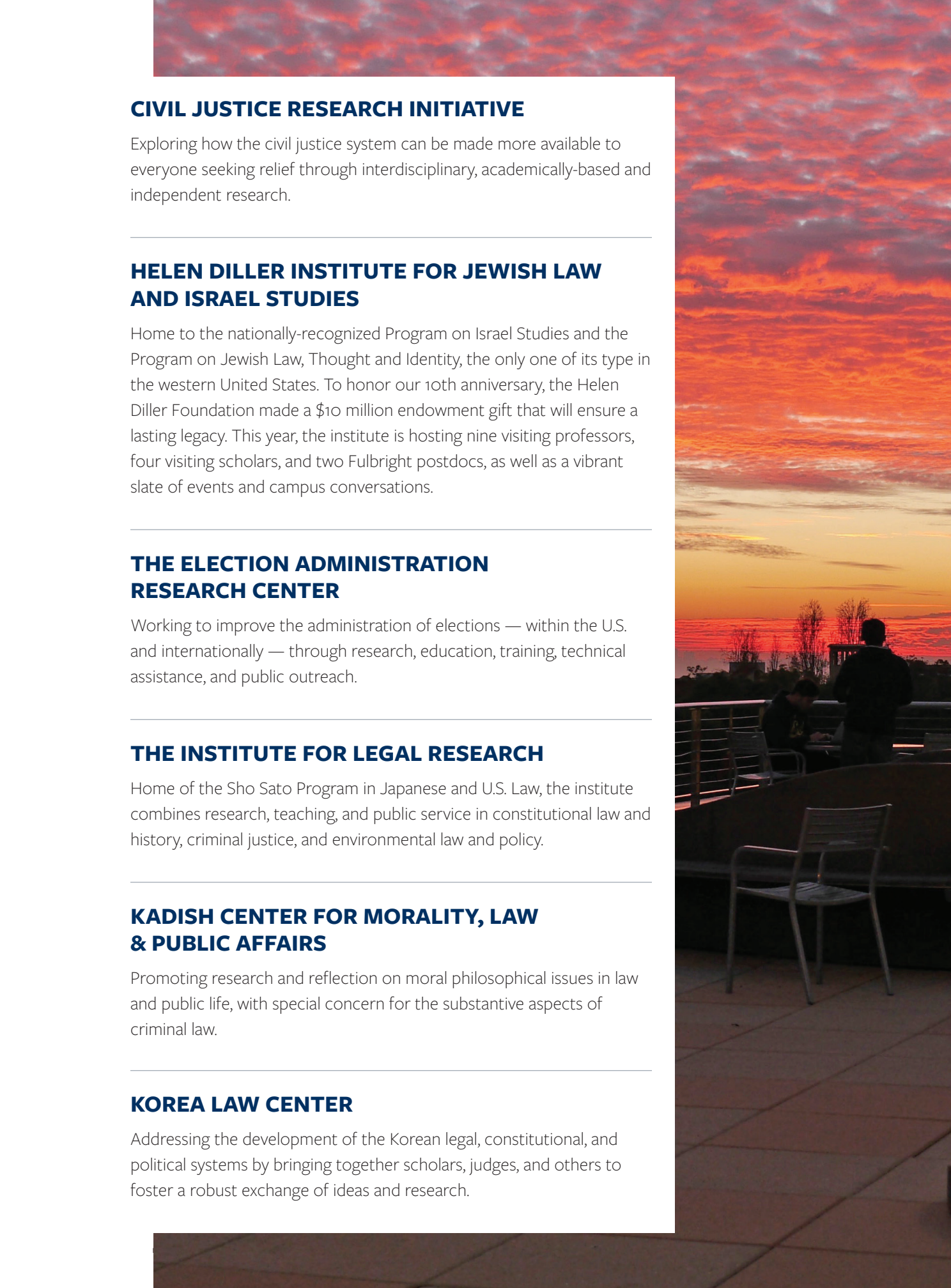
Examining contemporary questions of identity and discrimination through the lens of intersectionality, which considers how race, gender, and sexual orientation overlap to produce distinct experiences of vulnerability and resilience.

CENTER ON REPRODUCTIVE RIGHTS AND JUSTICE

Dedicated to securing reproductive justice for all and broadening reproductive rights through research, community partnership, and bolstering law and policy advocacy efforts.



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CIVIL JUSTICE RESEARCH INITIATIVE

Exploring how the civil justice system can be made more available to everyone seeking relief through interdisciplinary, academically-based and independent research.

HELEN DILLER INSTITUTE FOR JEWISH LAW AND ISRAEL STUDIES

Home to the nationally-recognized Program on Israel Studies and the Program on Jewish Law, Thought and Identity, the only one of its type in the western United States. To honor our 10th anniversary, the Helen Diller Foundation made a \$10 million endowment gift that will ensure a lasting legacy. This year, the institute is hosting nine visiting professors, four visiting scholars, and two Fulbright postdocs, as well as a vibrant slate of events and campus conversations.

THE ELECTION ADMINISTRATION RESEARCH CENTER

Working to improve the administration of elections — within the U.S. and internationally — through research, education, training, technical assistance, and public outreach.

THE INSTITUTE FOR LEGAL RESEARCH

Home of the Sho Sato Program in Japanese and U.S. Law, the institute combines research, teaching, and public service in constitutional law and history, criminal justice, and environmental law and policy.

KADISH CENTER FOR MORALITY, LAW & PUBLIC AFFAIRS

Promoting research and reflection on moral philosophical issues in law and public life, with special concern for the substantive aspects of criminal law.

KOREA LAW CENTER

Addressing the development of the Korean legal, constitutional, and political systems by bringing together scholars, judges, and others to foster a robust exchange of ideas and research.



LAW, ECONOMICS, AND POLITICS CENTER

Furthering interdisciplinary scholarship, ideas, and discussion in law, policy, economics, business, and government.

THE HONORABLE G. WILLIAM AND ARIADNA MILLER INSTITUTE FOR GLOBAL CHALLENGES AND THE LAW

An internationally-focused research and policy center at Berkeley Law addressing urgent challenges that demand innovative global approaches — including promoting the rule of law, climate and energy justice, anti-corruption, and human rights — through interdisciplinary collaborations and institutional partnerships. We offer an International Law Certificate and help foster a scholarly community among faculty and students who are pursuing cutting-edge research on a diverse range of international law topics and organize conferences, workshops, and presentations throughout the year.

PUBLIC LAW AND POLICY PROGRAM

Continuing Berkeley Law's long tradition of scholarship on issues of constitutional and administrative law, and judicial and legislative process, with a particular focus on the separation of powers, the balance of authority between the federal and state governments, interpretation, and public policymaking.

THE ROBBINS COLLECTION

A special collections library and scholarly hub promoting comparative study in religious and civil law. Our collection of rare holdings, established in 1952, has evolved into an international intellectual center, where scholars forge connections between the living law and its religious and civil traditions.

STATEWIDE DATABASE

The redistricting database for the state of California and a non-partisan resource on census data, elections and election data, districting on all levels, and voting rights.



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